PATENT
Client-Matter No.: 66661-018
(P-IS 4373)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Biaoyang Lin Serial No.: 09/821,812 Filed: March 28, 2001 For: ANDROGEN REGULATED PROSTATE SPECIFIC NUCLEIC ACIDS	Confirmation No: 5002 Group Art Unit: 1642 Examiner: M. Davis

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. §1.131

Sir:

I, Biaoyang Lin, declare as follows:

1) I am the Biaoyang Lin who is named as the sole inventor on the above-identified patent application.

2) I performed or supervised the experiments that resulted in obtaining ARP3 nucleic acid sequence corresponding to residues 372 to 537 of SEQ ID NO:5 prior to September 21, 2000, which is the date I understand that the Rosen and Ruben sequence AAB53386 was published.

3) The work leading to obtaining the portion of the ARP3 cDNA corresponding to residues 372 to 537 was performed by me or under my supervision prior to September 21, 2000.

4) The original name for the ARP3 clone was 16B5. The 16B5 sequence trace data were assembled using a sequence assembly and analysis program, Sequencher, which was also used to determine the open reading frame of the clone. The assembled 16B5 Sequencher sequence was exported into MacVector, in order that a quick BLAST homology search could be performed.

5) As evidence that I had obtained and sequenced one or more nucleic acid molecules encoding residues 372 to 537 of the human ARP3 sequence shown in the above-identified patent application as SEQ ID NO:5, I have attached a MacVector computer file which was generated prior to September 21, 2000. Specifically, prior to September 21, 2000, when we exported the sequence from the Sequencher program to the MacVector program for a quick blast search, we designated the file "16B5_patent" as we planned to file a patent application on this subject matter. Exhibit 1 attached hereto is the contents of the "16B5_patent" MacVector file.

6) As evidence of the time the "16B5_patent" MacVector file was created and last modified, Exhibit 2 is attached hereto. This exhibit is a screenshot of information relating to the "16B5_patent" MacVector file. Although the "date modified" and "date created" on this screenshot have been redacted, the "date created" and "date modified" of the "16B5_patent" MacVector file are prior to September 21, 2000.

7) An alignment of the 16B5 MacVector sequence and the ARP3 sequence SEQ ID NO:5 is provided in Exhibit 3. As can be seen from the alignment, the sequence shown in the "16B5_patent" MacVector file (Exhibit 1) represents the carboxy-terminal portion of the 16B5 (ARP3) cDNA, including the portion which encodes residues 372 to 537 of human ARP3 (SEQ ID NO:5). Specifically, the 16B5 ("jmp1 str") sequence is identical to the ARP3 sequence beginning at about ARP3 nucleotide 830 (approximately residue 277), except for a single additional unknown nucleotide "N" in the 16B5 ("jmp1 str") sequence at a position corresponding to about nucleotide 1163 of ARP3 (SEQ ID NO:5).

8) Since the purpose of exporting the sequence to MacVector was to perform a quick BLAST homology search, the absolute accuracy of the MacVector nucleotide sequence was not critical.

9) At about the same time the assembled 16B5 sequence was exported to MacVector, we also analyzed the open reading frame predicted by the "Sequencher" program. Because the unknown nucleotide "N" interrupted the longest open reading frame, it was clear to us that this "N" was a sequencing error that did not belong in the 16B5 sequence. The 16B5 Sequencher file (designated "16B5_consensus") was therefore edited to delete the extra "N" from the sequence. Exhibit 4 shows all three reading frames of the sequence in the "16B5_consensus" Sequencher file.

10) The contents of the "16B5_consensus" Sequencher file are shown in Exhibit 5. The "16B5_consensus" Sequencher

file is identical to the ARP3 (SEQ ID NO:5) sequence beginning at about ARP3 nucleotide 830. Although the part corresponding to the "16B5_consensus" Sequencher file has not been modified since prior to September 21, 2000, the original date for the "16B5_consensus" Sequencher file was overwritten as we continued to clone and sequence additional clones 5' to the "16B5_consensus" sequence and put these sequences into the Sequencer program to assemble the final ARP3 sequence. Thus, we are unable to provide evidence of the date we had obtained the "16B5_consensus" Sequencher file attached as Exhibit 5.

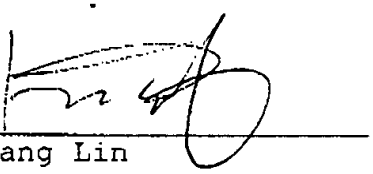
11) The results discussed in paragraphs 3 to 10 above demonstrate that I had obtained ARP3 nucleic acid sequence encoding residues 372 to 537 of ARP3 prior to September 21, 2000.

12) As discussed above, the open reading frame was determined using the Sequencher program at about the time the assembled 16B5 sequence was exported to MacVector. Thus, in addition to having the nucleic acid sequence encoding residues 372 to 537 of human ARP3 (SEQ ID NO:5) prior to September 21, 2000, I was also in possession of the predicted ARP3 polypeptide sequence from residue 372 to residue 537 prior to this date.

13) I do not know and do not believe that the invention was in the public prior to the time I conceived of the invention and reduced it to practice and I have never abandoned the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issued thereon.

Date: Nov. 24. 2003

By: 

Biaoyang Lin